

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAFAEL FOX, PAUL D'AURIA and JILL  
SHWINER,

Plaintiffs,

Case No. 19-CV-4650 (AJN)

-against-

STARBUCKS CORPORATION d/b/a  
STARBUCKS COFFEE COMPANY,

Defendant.

**DECLARATION OF RACHEL KELLY**  
**IN SUPPORT OF DEFENDANT'S**  
**MOTION FOR SUMMARY**  
**JUDGMENT**

RACHEL KELLY, does hereby swear, affirm and attest under the penalties of perjury as follows:

1. I am the Director of Business Operations, US at Starbucks Corp. ("Starbucks"), Defendant in this case. I was the Partner Resources Director for New York Metro at Starbucks from October 2017 – June 2020. I submit this declaration in support of Defendant's Motion for Summary Judgment seeking to dismiss the Complaint of Plaintiffs Rafael Fox ("Fox"), Paul D'Auria ("D'Auria") and Jill Shwiner ("Shwiner") (collectively, "Plaintiffs"). The facts and circumstances set forth herein are based on my personal knowledge or on the books and records of Starbucks.

2. Starbucks is an American chain of coffeehouses, with over 240 locations in New York City.

3. Starbucks District and store managers are in the field on a regular basis and regularly interact with customer-facing Starbucks' personnel. District managers are in the stores on a daily or weekly basis, and have the opportunity to coach other Starbucks employees with respect to everyday issues.

4. Starbucks Regional Managers supervise district managers and are responsible for fiscal performance of the stores in their region as well as ensuring Starbucks' policies and procedures are adhered to.

5. Each Starbucks store has a store manager, and most also have an assistant store manager, who are responsible for adhering to Starbucks' policies and procedures and for supervising baristas.

**The DCA Complaint Received by Plaintiff Fox**

6. On or about January 10, 2018, Fox received a complaint from the New York City Department Consumer Affairs ("DCA") alleging violations of the Fair Workweek legislation at the West Broadway and Leonard store ("Fox's store"). A copy of the January 10, 2018 email from Rafael Fox enclosing New York City Department of Consumer Affairs Notice of Investigation is attached as Exhibit 1.

7. Fox sent a copy of the DCA complaint to Mr. Timothy Hutchinson who, in turn, forwarded the complaint to Ms. Tina McDonald and Partner Resources Manager Bradley Jennison. A copy of the January 10, 2018 email from Rafael Fox to Timothy Hutchinson is attached as Exhibit 2, and a copy of the January 11, 2018 email from Timothy Hutchinson to Tina McDonald is attached as Exhibit 3.

8. Ms. McDonald visited Fox's store two to three times to investigate the DCA complaint. A copy of Tina McDonald's Notes re: Investigation of Rafael Fox's Store, dated January 11, 20, and 23, 2018, are attached as Exhibit 4.

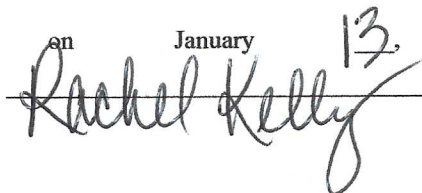
Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed

on

January

2021



Rachel Kelly